



City of Richmond

Where History Meets Opportunity

Regular Scheduled City Commission Meeting (in person)

600 Morton Street

Richmond, Texas 77406

Monday, September 20, 2021 at 4:30 P.M.

And

**via Video/Telephone Conference call
(pursuant to Texas Government Code,
Section 551.125)**

Join Zoom Meeting

<https://us06web.zoom.us/j/82235793660>

Meeting ID: 822 3579 3660

One tap mobile

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Meeting ID: 822 3579 3660

Find your local number: <https://us06web.zoom.us/j/82235793660>

Mayor Rebecca K. Haas

Commissioner Terry Gaul

Commissioner Barry Beard

Commissioner Carl Drozd

Commissioner Alex BeMent

AGENDA

Any item on this posted agenda may be discussed in Executive Session provided it is within one of the permitted categories under Chapter 551 of the Texas Government Code.

City Commission Meeting Agenda

September 20, 2021

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- A1. Call to Order, Quorum Determined and Meeting Declared Open.
- A2. Recite the Pledge of Allegiance to the U. S. Flag and the Texas Flag.
- A3. Employee Recognition for Service with the City of Richmond:

Roy Bailey - 10 Years – Police Department.
Philip Graham - 20 Years – Surface Water Department.
Chad Petty - 15 Years – Police Department.
Ruben Robles Jr - 5 Years – Police Department.

Proclamations:

Childhood Cancer Awareness Month, September 2021.
Fort Bend County Fair Day on September 24, 2021.

Promotions:

Monte Silhavy, Street Foreman.

- A4. Public comments (Public comment is limited to a maximum of 3 minutes per item. No Deliberations with the Commission. Time may not be given to another speaker.)
- A5. Presentation on Economic Development Opportunities to fund a City Hall.
- A6. Public Hearing to receive comments for or against a proposed amendment to the Unified Development Code to adopt a Conditional Use Permit requirement with associated standards for massage establishments.
- A7. Public hearing to receive comments for or against a proposed amendment to the Major Thoroughfare Plan of the Comprehensive Plan to adopt recent amendment made to the Fort Bend County Major Thoroughfare Plan. The proposed amendments include the following changes:
 - Remove proposed extension of Golfview Dr to FM 359;
 - Reclassify Edgewood Dr and Baudet Drive from Minor Arterial to Collector St.
- A8. Public Hearing to receive comments for or against an application proposed to be filed with the Texas Department of Housing and Community Affairs for Housing Tax Credits by Atlantic Housing Foundation, Inc. for the construction of an affordable multifamily rental development containing approximately 224 units.
- A9. Public hearing to receive comments for or against a request by Ryan Moeckel on behalf of Blasdel Farmhouse LLC, to replat as part of a Preliminary Plat an

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approximate 4.4019 acre tract of land being all of Lots 8, 9, and 10 of Edgewood Annex No. 3 recorded in Vol. 252 Page 335 of the Fort Bend County Deed Records.

- A10. Public hearing to receive comments for or against a request by Andrew Allemand on behalf of John Severance, to replat approximately 6.874 acre tract of land being Lot 51 & 52, Block 3 of Grand River Replat No. 1, a subdivision in Fort Bend County, Texas according to the plat thereof, recorded in Slide No. 1867/B, 1868/A, 1868/B, 1869/A, &1869/B plat records of Fort Bend County, Texas, in order to reconfigure the lot layout.
- A11. Public Hearing on Proposed Tax Rate for the year 2021.
- A12. Presentation on Risk Rating 2.0 from Hance Scarborough LLP.

CONSENT AGENDA

- A13. All consent agenda items listed are considered routine by the City Commission and will be enacted by one motion. There will be no separate discussion of these items unless a Commissioner so requests; in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda. Information concerning consent agenda items is available for public review.
 - 1. Review and consider taking action on the minutes of the Special City Commission Meetings held on August 2nd, 11th and 24th (copies are enclosed) and the Regular City Commission Meeting and the Workshop held on August 16, 2021 (copies are enclosed).
 - 2. Review and consider taking action on the Fire Department report (a copy is enclosed).
 - 3. Review and consider taking action on the Police Department report (a copy is enclosed).
 - 4. Review and consider taking action on the Municipal Court report (a copy is enclosed).
 - 5. Review and consider taking action on the Monthly Financial Report (a copy is enclosed).

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6. Review and consider taking action on the Tax Assessor/Collector Report (a copy is enclosed).
7. Review and consider taking action on the Public Works Report (a copy is enclosed).
8. Review and consider taking action on Planning Department Report (a copy is enclosed).
9. Review and consider taking action on the Building Department Report (a copy is enclosed).
10. Review and consider taking action on the Code Enforcement Report (a copy is enclosed).
11. Review and consider taking action on the Emergency Management Report (a copy is enclosed).
12. Review and consider taking action on a Final Plat – Veranda Section Forty – 18.59 acres of land – 3 Blocks – 68 Lots – 3 Reserves. The subject site is a section within Veranda Master Planned Community.
13. Set date for next meetings. (Regular City Commission Meeting and Workshop on Monday, October 18th at 9:00 a.m. and 4:30 p.m.)

REGULAR AGENDA

- A14. Review and consider taking action on Resolution No. 366-2021, confirming no objection to the application of Atlantic Housing Foundation, Inc. to the Texas Department of Housing and Community Affairs for Housing Tax Credits for a 224-unit multifamily affordable housing development.
- A15. Review and consider taking action on Ordinance No. 2021-18, amending the Comprehensive Master Plan by Amending the Major Thoroughfare Plan.
- A16. Review and consider taking action on Ordinance No. 2021-19, adopting text amendments to the Unified Development Code to include a Conditional Use Permit requirement with associated standards for massage establishments. The specific sections include:
 - 1) Table 2.2.104, *Commercial Uses*
 - 2) Table 2.2.203, *Commercial Limited and Conditional Use Standards*
 - 3) *Division 7.1.300, Definitions*

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- A17. Review and consider taking action on Ordinance No. 2021-20, adopting a budget for fiscal year 2021-2022.
<https://www.richmondtx.gov/home/showpublisheddocument/14214/63764199120690>
- A18. Review and consider taking action on Ordinance No. 2021-21, levying a property tax rate for the year 2021.
- A19. Review and consider taking action on Ordinance No. 2021-22, ratifying the tax rate reflected in the 2021-2022 fiscal year budget.
- A20. Review and consider taking action on Resolution No. 367-2021 approving an Interlocal Agreement with Fort Bend County for the patch and asphalt overlay of certain streets.
- A21. Review and consider taking action on a Preliminary Plat—Blasdel Farmhouse – 4.4019 acres of land – 1 Block – 0 Lots – 1 Reserve. The subject site is located at the northeastern corner of the intersection of Baudet Lane and Edgewood Dr.
- A22. Review and consider taking action on a Replat – Grand River Replat No. 7 – 6.874 acres of land – 1 Block – 2 Lots – 0 Reserves. The subject site is part of the Grand River Residential Subdivision located south of FM 359. The subject site includes two existing lots located at 1402 Bordens Bluff.
- A23. Review and consider taking action on Resolution No. 368-2021, approving and authorizing agreement for the temporary closure of Texas Department of Transportation right of way.
- A24. Review and consider taking action on authorizing City Manager to execute and Engineering Services Contract to Garver Engineering for the East Wastewater Treatment Plant for conceptual design and permitting.
- A25. Review and consider taking action on Ordinance No. 2021-23, execute Fee Contract with Perdue, Brandon, Fielder, Collins and Mott, LLP for the collection of delinquent government receivables.
- A26. Excuse from Attendance at Regular City Commission Meeting.
- A27. Consider taking action on requests for future agenda items.
- A28. Adjournment.

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If, during the course of the meeting covered by this Agenda, the Commission shall determine that an executive session of the Commission, should be held or is required in relation to any item included in this Agenda, then such executive session, as authorized by the Texas Open Meetings Act, will be held by the Board at the date, hour, and place given in this Agenda concerning any and all subjects and for any and all purposes permitted by Sections 551.071-551.090 of the Texas Government Code, including, but not limited to, Section 551.071 – for purpose of consultation with attorney, on any or all subjects or matters authorized by law.

NOTICE OF ASSISTANCE AT THE PUBLIC MEETING

The City of Richmond City Commission meetings are available to all persons regardless of disability. This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations, should you require special assistance, must be made 48 hours prior to this meeting. Braille is not available. Please contact the City Secretary's office at (281) 342-5456 ex. 505 for needed accommodations.

If you have any questions, please let me know.

Terri Vela

NOTICE PURSUANT TO GOVERNMENT CODE SEC. 2254.1036

WHEREAS the City of Richmond (“City”) will consider entering into a contingent fee contract with the law firm of Perdue, Brandon, Fielder, Collins & Mott, L.L.P. (“Firm”) and hereby posts this notice pursuant to Sec. 2254.106 of the Government Code.

WHEREAS, this notice shall be posted before or at the time of giving the written notice required by Government Code Sec. 551.041 for a meeting described by Sec. 2254.1036(2) of the Government Code and shall announce the following:

A. The City is pursuing a contract with the Firm for the collection of delinquent municipal court fines and fees owed to the City and through this contract the City seeks to increase recovery of its delinquent debts in as expeditious a manner as possible. GOVT. CODE § 2254.1036(1)(A).

B. The City believes the Firm has the competency, qualifications, and experience necessary to fulfill this contract. GOVT. CODE § 2254.1036(1)(B). The Firm has collected delinquent government receivables for over 50 years, including the collection of delinquent fines and fees. The Firm currently has 14 primary offices and multiple satellite offices throughout Texas, Oklahoma, and Florida. It employs more than 350 individuals, including 55 attorneys. It uses a multi-office, fully integrated team approach allowing the City access to all its offices and resources. Its collection team consists of long-term Firm employees, including attorneys, call center associates, paralegals, law clerks, legal secretaries, collection support personnel and information technology experts. The Firm utilizes proprietary collection software that can be tailored to meet any special need the City may have. This proprietary software also automates many aspects of the collection process, such as: account/debtor research, mailings, phone calls, return mail and address updates, payment notification and processing and workflow.

C. The nature of any relationship between the City and the Firm is as follows. GOVT. CODE § 2254.1036(1)(C): The Firm has represented the city in the collection of outstanding municipal court fee and fees since July 2015.

D. The City is unable to perform collection of its delinquent fees and fines. GOVT. CODE § 2254.1036(1)(D). The City currently does not have adequate support staff, computer software/programming, or experience to internally conduct these collection services and acquiring these will result in substantial expense to the City.

E. The collection service cannot be provided for an hourly fee. GOVT. CODE § 2254.1036(1)(E). The Criminal Code allows the assessment of a percentage-based fee to recover the costs of collecting delinquent fines and fees. This percentage-based fee is assessed only against the debtor and not the city or taxpayers of the city. These legal services cannot reasonably be obtained from attorneys in private practice under a contract providing for the payment of hourly fees without contingency for these reasons: The collection of delinquent fines and fees is a high-volume practice, requiring a significant amount of research, mailing, and handling of outbound/inbound calls. An hourly fee for such work will likely exceed the amount of delinquent fines and fees. Moreover, the city will bear the cost of these hourly fees and not the debtor, because the Criminal Code does not expressly authorize the city to pay for collection services based on an hourly fee.

F. The City believes this contingent fee contract is in its best interest. GOVT. CODE § 2254.1036(1)(F). Under the contingent fee contract, the Firm will be paid the amount of the percentage-based collection fee, regardless the number of hours the Firm spends researching, contacting, and mailing to collect the

delinquent debt. Additionally, the percentage-based collection penalty, are pass-through expenses to the debtor and not an expense to the city or taxpayers in the city.

Executed this the ____ day of _____, 2021.

On Behalf of the City of Richmond, Texas

Agenda Item:

Take action to approve a contingent fee contract with Perdue Brandon Fielder Collins and Mott, LLP for the collection of delinquent government receivables owed to the City of Richmond and notice of said contract is posted with the agenda in accordance with Section 2254 of the Government Code.

Written Findings as to the Collections Contract with Perdue, Brandon, Fielder, Collins & Mott, LLP:

In an open meeting, the City Council for the City of Richmond considered all matters listed in Section 2254.1036(a)(1) of the Government Code, as they relate to contingent fee contracts with Perdue Brandon Fielder Collins & Mott, LLP.

The City Council for the City of Richmond, pursuant to Section 2254.1036, of the Government Code, hereby finds the following to be true: 1) there is a substantial need for the legal services specified in said contract; 2) these legal services cannot be adequately performed by the attorneys and supporting personnel of the City of Richmond; and 3) these legal services cannot reasonably be obtained from attorneys in private practice under contracts providing only for the payment of hourly fees, without regard to the outcome of the matter, because of the nature of the matter for which these services will be obtained or because the City of Richmond does not have funds to pay the estimated amounts required under contracts providing only for the payment of hourly fees.

Therefore, this City Council hereby approves the contract by and between the City of Richmond and Perdue Brandon Fielder Collins & Mott, LLP, for professional legal services regarding the collection of delinquent fines and fee with services to be paid in accordance with Article 103.0031(b), Texas Code of Criminal Procedure.

APPROVED and EXECUTED this the ____ day of _____, 2021.

On Behalf of the City of Richmond, Texas